

Calendar No. 184

105TH CONGRESS
1ST Session

S. 750

[Report No. 105-92]

A BILL

To consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

SEPTEMBER 30, 1997

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MAY 15, 1997

Mr. DORGAN (for himself and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 30, 1997

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXCHANGE OF CERTAIN MINERAL INTERESTS**
 2 **IN BILLINGS COUNTY, NORTH DAKOTA.**

3 (a) **PURPOSE.**—The purpose of this section is to con-
 4 solidate certain mineral interests in the Little Missouri
 5 National Grasslands in Billings County, North Dakota,
 6 through the exchange of Federal and private mineral in-
 7 terests in order to enhance land management capability
 8 and environmental and wildlife protection.

9 (b) **EXCHANGE.**—Notwithstanding any other provi-
 10 sion of law—

11 (1) if, not later than 45 days after the date of
 12 enactment of this Act, Burlington Resources Oil &
 13 Gas Company (referred to in this section as “Bur-
 14 lington” and formerly known as Meridian Oil Inc.);
 15 conveys title acceptable to the Secretary of Agri-
 16 culture (referred to in this section as the “Sec-
 17 retary”) to rights and interests identified on the
 18 map entitled “Billings County, North Dakota, Con-
 19 solidated Mineral Exchange—November 1995”, by
 20 quitclaim deed acceptable to the Secretary, the Sec-
 21 retary shall convey to Burlington, subject to valid
 22 existing rights, by quitclaim deed, all Federal rights
 23 and interests identified on that map; and

24 (2) if Burlington makes the conveyance under
 25 paragraph (1) and, not later than 180 days after the
 26 date of enactment of this Act, the owners of the re-

1 maining non-oil and gas mineral interests identified
 2 on that map convey title acceptable to the Secretary
 3 to all rights, title, and interests in the interests held
 4 by them, by quitclaim deed acceptable to the Sec-
 5 retary, the Secretary shall convey to those owners,
 6 subject to valid existing rights, by exchange deed, all
 7 Federal rights, title, and interests in National For-
 8 est System lands and National Grasslands in the
 9 State of North Dakota as are agreed to by the Sec-
 10 retary and the owners of those interests.

11 (c) LEASEHOLD INTERESTS.—As a condition preec-
 12 dent to the conveyance of interests by the Secretary to
 13 Burlington under this section, all leasehold and contrac-
 14 tual interests in the oil and gas interests to be conveyed
 15 by Burlington to the United States under this section shall
 16 be released, to the satisfaction of the Secretary.

17 (d) APPROXIMATE EQUAL VALUE OF EXCHANGES
 18 WITH OTHER INTEREST OWNERS.—The values of the in-
 19 terests to be exchanged under subsection (b)(2) shall be
 20 approximately equal, as determined by the Secretary.

21 (e) LAND USE.—

22 (1) EXPLORATION AND DEVELOPMENT.—The
 23 Secretary shall grant to Burlington, and its succes-
 24 sors and assigns, the use of Federally-owned surface
 25 lands to explore for and develop interests conveyed

1 to Burlington under this Act, subject to applicable
2 Federal and State laws.

3 ~~(2) SURFACE OCCUPANCY AND USE.—Rights to~~
4 ~~surface occupancy and use that Burlington would~~
5 ~~have absent the exchange under this Act on its in-~~
6 ~~terests conveyed under this Act shall apply to the~~
7 ~~same extent on the federally owned surface estate~~
8 ~~overlying oil and gas rights conveyed to Burlington~~
9 ~~under this Act.~~

10 ~~(f) ENVIRONMENTAL PROTECTION FOR ENVIRON-~~
11 ~~MENTALLY SENSITIVE LANDS.—All activities of Bur-~~
12 ~~lington, and its successors and assigns, relating to explo-~~
13 ~~ration and development on environmentally sensitive Na-~~
14 ~~tional Forest System lands, as described in the “Memo-~~
15 ~~randum of Understanding Concerning Certain Severed~~
16 ~~Mineral Estates, Billings County, North Dakota”, exe-~~
17 ~~cuted by the Forest Service and Burlington and dated No-~~
18 ~~vember 2, 1995, shall be subject to the terms of the memo-~~
19 ~~randum.~~

20 ~~(g) MAP.—The map referred to in subsection (b)~~
21 ~~shall be provided to the Committee on Energy and Natural~~
22 ~~Resources of the Senate and the Committee on Resources~~
23 ~~of the House of Representatives, kept on file in the office~~
24 ~~of the Chief of the Forest Service, and made available for~~
25 ~~public inspection in the office of the Forest Supervisor of~~

1 the Custer National Forest within 45 days after the date
2 of enactment of this Act.

3 (h) OTHER LAWS.—The exchange under subsection
4 (b)(1) shall be deemed to meet the requirements of all
5 other Federal laws, including all land exchange laws, envi-
6 ronmental laws, and cultural laws (such as the National
7 Historic Preservation Act (16 U.S.C. 470 et seq.)), and
8 no further compliance with any other law shall be required
9 in order to implement the exchanges.

10 (i) CONTINUATION OF MULTIPLE USE.—Nothing in
11 this Act shall limit, restrict, or otherwise effect the appli-
12 cation of the principle of multiple use (including outdoor
13 recreation, range, timber, watershed, and fish and wildlife
14 purposes) in any area of the Little Missouri National
15 Grasslands. Federal grazing permits or privileges in areas
16 designated on the map entitled “Billings County, North
17 Dakota, Consolidated Mineral Exchange—November
18 1995” or those lands described in the “Memorandum of
19 Understanding Concerning Certain Severed Mineral Es-
20 tates, Billings County, North Dakota”, shall not be cur-
21 tailed or otherwise limited as a result of the exchange au-
22 thorized by this Act.

1 **SECTION 1. EXCHANGE OF CERTAIN MINERAL INTERESTS**
 2 **IN BILLINGS COUNTY, NORTH DAKOTA.**

3 (a) *PURPOSE.*—*The purpose of this Act is to direct the*
 4 *consolidation of certain mineral interests in the Little Mis-*
 5 *souri National Grasslands in Billings County, North Da-*
 6 *kota, through the exchange of Federal and private mineral*
 7 *interests in order to enhance land management capability*
 8 *and environmental and wildlife protection.*

9 (b) *EXCHANGE.*—*Notwithstanding any other provision*
 10 *of law—*

11 (1) *if, not later than 45 days after the date of*
 12 *enactment of this Act, Burlington Resources Oil &*
 13 *Gas Company (referred to in this Act as “Bur-*
 14 *lington” and formerly known as Meridian Oil Inc.),*
 15 *conveys title acceptable to the Secretary of Agriculture*
 16 *(referred to in this Act as the “Secretary”) to all oil*
 17 *and gas rights and interests on lands identified on*
 18 *the map entitled “Billings County, North Dakota,*
 19 *Consolidated Mineral Exchange—November 1995”, by*
 20 *quitclaim deed acceptable to the Secretary, the Sec-*
 21 *retary shall convey to Burlington, subject to valid ex-*
 22 *isting rights, by quit-claim deed, all Federal oil and*
 23 *gas rights and interests on lands identified on that*
 24 *map; and*

25 (2) *if Burlington makes the conveyance under*
 26 *paragraph (1) and, not later than 180 days after the*

1 *date of enactment of this Act, the owners of the re-*
 2 *maining non-oil and gas mineral interests on lands*
 3 *identified on that map convey title acceptable to the*
 4 *Secretary to all rights, title, and interests in the in-*
 5 *terests held by them, by quitclaim deed acceptable to*
 6 *the Secretary, the Secretary shall convey to those own-*
 7 *ers, subject to valid existing rights, by exchange deed,*
 8 *all remaining Federal non-oil and gas mineral rights,*
 9 *title, and interests in National Forest System lands*
 10 *and National Grasslands identified on that map in*
 11 *the State of North Dakota as are agreed to by the Sec-*
 12 *retary and the owners of those interests.*

13 *(c) LEASEHOLD INTERESTS.—As a condition prece-*
 14 *dent to the conveyance of interests by the Secretary to Bur-*
 15 *lington under this Act, all leasehold and contractual inter-*
 16 *ests in the oil and gas interests to be conveyed by Bur-*
 17 *lington to the United States under this Act shall be released,*
 18 *to the satisfaction of the Secretary.*

19 *(d) EQUAL VALUATION OF OIL AND GAS RIGHTS EX-*
 20 *CHANGE.—The values of the interests to be exchanged under*
 21 *subsection (b)(1) shall be deemed to be equal.*

22 *(e) APPROXIMATE EQUAL VALUE OF EXCHANGES*
 23 *WITH OTHER INTEREST OWNERS.—The values of the inter-*
 24 *ests to be exchanged under subsection (b)(2) shall be ap-*
 25 *proximately equal, as determined by the Secretary.*

1 (f) *LAND USE.*—

2 (1) *EXPLORATION AND DEVELOPMENT.*—*The Sec-*
 3 *retary shall grant to Burlington, and its successors*
 4 *and assigns, the use of Federally-owned surface lands*
 5 *to explore for and develop interests conveyed to Bur-*
 6 *lington under this Act, subject to applicable Federal*
 7 *and State laws.*

8 (2) *SURFACE OCCUPANCY AND USE.*—*Rights to*
 9 *surface occupancy and use that Burlington would*
 10 *have absent the exchange under this Act on its oil and*
 11 *gas rights and interests conveyed under this Act shall*
 12 *apply to the same extent on the federally owned sur-*
 13 *face estate overlying oil and gas rights and interests*
 14 *conveyed to Burlington under this Act.*

15 (g) *ENVIRONMENTAL PROTECTION FOR ENVIRON-*
 16 *MENTALLY SENSITIVE LANDS.*—*All activities of Burlington,*
 17 *and its successors and assigns, relating to exploration and*
 18 *development on environmentally sensitive National Forest*
 19 *System lands, as described in the “Memorandum of Under-*
 20 *standing Concerning Certain Severed Mineral Estates, Bil-*
 21 *lings County, North Dakota”, executed by the Forest Service*
 22 *and Burlington and dated November 2, 1995, shall be sub-*
 23 *ject to the terms of the memorandum.*

24 (h) *MAP.*—*The map referred to in subsection (b) shall*
 25 *be provided to the Committee on Energy and Natural Re-*

1 *sources of the Senate and the Committee on Resources of*
2 *the House of Representatives, kept on file in the office of*
3 *the Chief of the Forest Service, and made available for pub-*
4 *lic inspection in the office of the Forest Supervisor of the*
5 *Custer National Forest within 45 days after the date of en-*
6 *actment of this Act.*

7 (i) *CONTINUATION OF MULTIPLE USE.—Nothing in*
8 *this Act shall limit, restrict, or otherwise affect the applica-*
9 *tion of the principle of multiple use (including outdoor*
10 *recreation, range, timber, watershed, and fish and wildlife*
11 *purposes) in any area of the Little Missouri National*
12 *Grasslands. Federal grazing permits or privileges in areas*
13 *designated on the map entitled “Billings County, North Da-*
14 *kota, Consolidated Mineral Exchange—November 1995” or*
15 *those lands described in the “Memorandum of Understand-*
16 *ing Concerning Certain Severed Mineral Estates, Billings*
17 *County, North Dakota”, shall not be curtailed or otherwise*
18 *limited as a result of the exchanges directed by this Act.*